

ZB# 79-1

Peter Olympia &
John J. Lease

20-2-69

Prelim. Meeting 12/11/78

Public Hearing:

~~Jan 8, 1978~~ - 8:15 p.m.

Jan 22, 1979
Represented by:

Bernard J. Sommers, Esq.

Notify Orange County
Planning

FILE NO. _____

To: Andy
Mr. Walt Houry - Phone No. 564-2200

Of: NW RD

TELEPHONED		MESSAGE: Re: <u>Union Ave & Rt. 9W</u> <u>Lease/Olympia ZBA</u> <u>Application -</u> <u>1978 - 2 accidents so</u> <u>far - 1 injury.</u> <u>1978?</u>
CAME IN		
RETURNED CALL		
PLEASE RETURN CALL		
WILL CALL AGAIN		
WANTS TO SEE YOU		
DISCUSS WITH ME		
URGENT		

Date: 1/25/79 Time: 12:40 pm. By: [Signature] ☒ Read

#48 TELEPHONE MESSAGE ALL-STATE LEGAL SUPPLY CO. MOUNTAIN SIDE, N.J. 07092

GENERAL RECEIPT 3922

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, N. Y. 12550

RECEIVED OF John J. Lease, Jr. Jan. 25 1979 \$ 50.00

Fifty and 00/100 DOLLARS

FOR Variance application 79-1 (3BA)

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>50.00</u>		
<u>CK</u>		

BY Charlotte Mancabona
Reputy
 TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-1
(Number)

12/18/78
(Date)

I. Applicant information:

- (a) Peter M. Olympia, 16 Russell Rd., Newburgh, N.Y. 12550
(Name, address and phone of Applicant) 561-3496
- (b) John J. Lease, Jr., 313 Broadway, Newburgh, N.Y. 12550
(Name, address and phone of purchaser or lessee) 565-2800
- (c) Bernard J. Sommers, 347 Fullerton Ave., Newburgh, N.Y.
(Name, address and phone of attorney) 561-9400
- (d) None
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☒ Area variance
- ☒ Sign variance
- ☒ Special permit

III. Property information:

- (a) PI N/E intersection
(Zone) (Address) Rt. 9W & Union Ave. (M B L) 41,000 sq. ft.
(Lot size)
- (b) What other zones lie within 500 ft.? N.C. & R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? October 1962
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. none now or proposed

79-1
(Number)

12/18/78
(Date)

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- (a) Peter M. Olympia, 16 Russell Rd., Newburgh, N.Y. 12550
(Name, address and phone of Applicant) 561-3496
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(Zone) (Address) Rt. 9W & Union Ave. 41,000 sq.ft.
(M B L) (Lot size)
- (b) What other zones lie within 500 ft.? N.C. & R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? October 1962
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. none, now or proposed.

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table PI, Column A, to allow

Construction of a Convenient Food Store with 3 self-
(Describe proposed use)
service gas pumps.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Property is too small for industrial use. I have had
property for sale and/or rent for over 10 years with
no purchasers or tenants for industrial use. This
zoning did not affect property when I purchased it.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-21, Table _____, Column _____

<u>I (1)</u> <u>Requirements</u>	<u>Proposed or</u> <u>Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non residential districts only

Construction of a Convenient Food Store with 3 self-
(Describe proposed use)
service gas pumps.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Property is too small for industrial use. I have had
property for sale and/or rent for over 10 years with
no purchasers or tenants for industrial use. This
zoning did not affect property when I purchased it.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-21, Table _____, Column _____

<u>I (1)</u> <u>Requirements</u>	<u>Proposed or</u> <u>Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

Property line is within 200' of St. Joseph's Church.

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section 48-9, Table NC, Column B-4.
- (b) Describe in detail the use and structures proposed for the special permit.

3 Self-service gas pumps

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Landscaping will include scrubs, trees screening

adjacent residential property, etc., curbing along

all public roads. Site plan to be submitted on or

before hearing.

☐ IX. Attachments required:

- x Copy of letter of referral from Building and Zoning Inspector.
- x Copy of contract of sale, lease or franchise agreement.
- x Copy of tax map showing adjacent properties
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- Copy(ies) of sign(s) with dimensions.
- x Check in amount of \$ ^{50.00} ~~25.00~~ payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.

3 Self-service gas pumps

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Landscaping will include scrubs, trees screening
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- ☒ Copy of contract of sale, lease or franchise agreement.
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- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ ^{50.00} ~~25.00~~ payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

 Other

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.



VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

The use of a convenience food store would be incomplete without the 3 self-service gas pumps. Distance between pumps and church building is actually greater than 200'. There is no other gasoline filling facility to service area people within a large distance of subject property.

☐ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-9, Table NC, Column 0.

		<u>48-9</u>	<u>PI</u>	<u>0</u>
		<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Bldg.	Sign 1	<u>50 sq.ft.</u>	<u>75 sq.ft.</u>	<u>25 sq.ft.</u>
Free stand- ing pole	Sign 2	<u>40 sq.ft.</u>	<u>64 sq.ft.</u>	<u>24 sq.ft.</u>
" "	Sign 3	<u>40 sq.ft.</u>	<u>64 sq.ft.</u>	<u>24 sq.ft.</u>
Total of 283 sq.ft.	Sign 4	60 sq.ft.	128 sq.ft.	68 sq.ft.
	Sign 5	<u> </u>	<u> </u>	<u> </u>
Total		<u> </u> sq.ft.	<u> </u> sq.ft.	<u> </u> sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Free standing 2 pole 8' x 8' sign and 2½' x 30'
sign on building. This particular location requires
signs of this size.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

203 sq.ft.

The use of a convenience food store would be incomplete
without the 3 self-service gas pumps. Distance between
pumps and church building is actually greater than 200'.
There is no other gasoline filling facility to service
area people within a large distance of subject property.



VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,
Section 48-9, Table NC, Column 0.

		<u>48-9</u>	<u>PI</u>	<u>0</u>
		<u>Requirements</u>	<u>Proposed or</u>	<u>Variance</u>
			<u>Available</u>	<u>Request</u>
Bldg.	Sign 1	<u>50 sq.ft.</u>	<u>75 sq.ft.</u>	<u>25 sq.ft.</u>
Free stand-	Sign 2	<u>40 sq.ft.</u>	<u>64 sq.ft.</u>	<u>24 sq.ft.</u>
ing pole				
" "	Sign 3	<u>40 sq.ft.</u>	<u>64 sq.ft.</u>	<u>24 sq.ft.</u>
Total of 283 sq.ft.	Sign 4	60 sq.ft.	128 sq.ft.	68 sq.ft.
	Sign 5	<u> </u>	<u> </u>	<u> </u>
		<u> </u>	<u> </u>	<u> </u>
		<u> </u>	<u> </u>	<u> </u>
	Total	<u> sq.ft.</u>	<u> sq.ft.</u>	<u> sq.ft.</u>

(b) Describe in detail the sign(s) for which you seek a
variance, and set forth your reasons for requiring
extra or oversize signs.

Free standing 2 pole 8' x 8' sign and 2½' x 30'
sign on building. This particular location requires
signs of this size.

(c) What is total area in square feet of all signs on premises including
signs on windows, face of building, and free-standing signs?

203 sq.ft.

X. AFFIDAVIT.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

John M. Olympia
(Applicant)
John J. Lease, Jr.

20TH day of DEC, 1978.

PELLEGRINO JANNOTTI
 Notary Public, State of New York
 County of Orange
 My Commission Expires Mar. 30, 1979.

(a) Public Hearing date _____

(b) Variance is

(c) Special Permit is

(c) Conditions and safeguards

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

20TH day of DEC, 1978.

John M. Olympe
(Applicant)
John J. Lease, Jr.

(a) Public Hearing date _____

(b) Variance is _____

(c) Special Permit is _____

(d) Conditions and safeguards _____

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
PETER M. OLYMPIA and JOHN J. LEASE, JR.
Application #79-1.
-----X

DECISION GRANTING
USE VARIANCE;
GRANTING AREA
VARIANCE, AND DENY-
ING SPECIAL PERMITS

WHEREAS, PETER M. OLYMPIA of 16 Russell Road, Town of Newburgh, New York and JOHN J. LEASE, JR. of 313 Broadway, City of Newburgh, New York, have made application for the following variances:

- (a) Use variance for commercial use in PI zone;
- (b) Area variance for proposed signs;
- (c) Special permit for the three (3) self-service gasoline pumps; and
- (d) Special permit to allow gasoline pumps less than 200 ft. from a church (Sec. 48-21 I (1)).

WHEREAS, a public hearing was held on the 22nd day of January, 1979 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants, LEASE and OLYMPIA, were represented by BERNARD J. SOMMERS, ESQ. of MC CANN, AHERN & SOMMERS, 347 Fullerton Avenue, Newburgh, New York; and

WHEREAS, the application was opposed by the Planning Board of the Town of New Windsor by letter transmitted from said Planning Board to the Zoning Board of Appeals.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News

also as required by law.

2. The evidence shows the following:

a. The subject premises consists of a parcel of land of approximately 41,000 sq. feet located on the northeast corner of the intersection of Route 9W and Union Avenue in New Windsor. Route 9W is a four-lane divided highway and Union Avenue is a normal two-lane highway. The intersection has a stop light at it. The lands north of Union Avenue and east of Route 9W are zoned Planned Industrial. The lands south of Union Avenue and east of Route 9W are zoned commercial, and the lands west of Route 9W are zoned residential (R-4). A drawing of the intersection is attached hereto and made a part hereof as Exhibit A.

At this time the lands north of Union Avenue along the east side of Route 9W are largely vacant. Residences do exist, however, along Union Avenue next to the subject premises. On the south east corner of the intersection a number of ^{small} commercial establishments are located, extending southward. On the southwest corner of the intersection St. Joseph Roman Catholic Church is located. On the northwest corner of the intersection residences are located.

The son of the applicant, Olympia, testifies that his father had owned the land for a considerable period of time and had had no success in selling the land as it was presently zoned. The applicant's Lease, now seek to buy the land, subject to obtaining the variances requested, for the purpose of locating a Convenient Food Store thereon. The Convenient Food Stores are a chain of what may be described as mini-supermarkets. The use variance is sought because this commercial use is not permitted in a PI (Planned Industrial) zone. The area variances sought to permit the erection of signs which will conform to the measure-

ments specified by the franchise grantor, Convenient Food Stores, the dimensions of which are in excess of the square footage permitted under the applicable local law. A special permit is sought for the installation of three (3) self-service gasoline pumps, and underground storage tanks therefor, pursuant to Section 48-9 of the Town Code. In addition, under the terms of 48-9 (g) (8) (k), the use of the premises for the dispensing of gasoline may be prohibited for it is found to be of such a nature to be of detrimental to the neighboring properties . . . or . . . dangerous to the comfort, peace, enjoyment, health and safety of the area of the community, and a determination is sought as to whether or not that is the case. Lastly, a special permit is sought pursuant to the terms of Section 48-21 (I) (1) for a special permit to allow gasoline pumps less than 200 feet from a church, in this case, St. Joseph Church located on the southwest corner of the intersection.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The land will not yield a reasonable return as it is presently zoned.
2. The hardship of the applicants is not due to general circumstances.
3. The evidence shows that this is not a self-created hardship.
4. With respect to the area variances for signs, the variance will have no appreciable impact on increased population density effecting government facilities, will not produce a substantial change in the character of the neighborhood, and will not produce substantial detriment to adjoining properties.

5. With respect to the special permits sought, the subject intersection is known personally to the members of the Zoning Board of Appeals to be a dangerous intersection where many traffic accidents have occurred. The traffic on Route 9W is known to move at a high rate of speed, due to the nature of that highway. It is also known that the portion of Union Avenue which runs past the proposed use is frequently itself used by full, slowing moving gasoline tankers. With the high rate of traffic on Route 9W and the entrance onto that road, immediately by the proposed gasoline pumps, of gasoline, tankers, the potential for catastrophic accidents are so great that the public health, safety, welfare, comfort and convenience of the residents of the Town of New Windsor will be seriously impaired. For this reason, the special permit applications are denied.

6. It is found that in order to promote the public health, safety, welfare, comfort and convenience of the people of the Town of New Windsor, the granting of any use variance herein must be subject to the restriction of the hours of operation of the proposed Convenient Food Store from 7 a.m. to 11 p.m., seven (7) days a week, and that any such use be subject to the approval of the Planning Board of the Town of New Windsor of appropriate screening and such other restrictions as the Planning Board may see fit, under the powers granted to it by the code of the Town of New Windsor to impose.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor:

A. Grant the use variances applied for with the following restrictions:

- (1) Hours of operation be 7 a.m. to 11 p.m., seven (7) days per week;
- (2) Subject to the approval of the Planning Board of the Town of New Windsor for appropriate screening and such other restrictions as the Planning Board may see fit.

B. Grant the area variance for signs as applied for;

C. Deny the special permits as applied for.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and attorney for the applicants.

Dated: February 26, 1979


Chairman

Public Hearing

No Objections Raised

1/22/79 -

Name: Address:

in Jan

✓ E. W. York

P.O. Box 4319 New Windsor

in Jan

✓ John V. Morse

16 Union Ave New Windsor

Joan Morse

16 Union Ave New Windsor

Margaret Clark

8 Union Ave New Windsor N.Y.

Alice Morse

12 Union Ave New Windsor

Alfred T. Wall

10 St. Joseph Place New Windsor N.Y.

John Homan

91 MERLINE AVE New Windsor, N.Y.

Pat Gormley - Reporter Eve News
John J. L. Jr. Newburgh N.Y.
Peter M. Olympia Jr. Newburgh N.Y.
M. Blinnier Louisville, Ky.



COUNTY OF ORANGE

JAN 22 1979

Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

January 16, 1979

Mr. Mark Stortecky, Chairman
New Windsor Zoning Board of Appeals
Town Hall
Union Avenue
New Windsor, New York 12550

Re: Special Permit & Variance - Olympia
Route 9W

Dear Mr. Stortecky:

This office, pursuant to the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York, has reviewed the above application.

We hereby return the matter for final local determination.

Very truly yours,

Peter Garrison
Commissioner of Planning

PG/jm

79-1

Public Hearing - Jan 8, 1979
8:15 p.m.

Prelim. meeting

11/27/78. 7:30pm.

①

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR-

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date Nov 8, 1978

To JOHN LEASE JR.
313 BROADWAY
NEWBURGH

PLEASE TAKE NOTICE that your application dated Nov 8, 1978
for permit to ERECT A RETAIL STORE
at the premises located at ROUTE 9W & UNION AV.

is returned herewith and disapproved on the following grounds:

RETAIL SALES NOT PERMITTED IN
A PLANNED INDUSTRIAL ZONE (PI)

Howard R. Beckett
Building Inspector

MEMO

FROM: NEW WINDSOR PLANNING BOARD
TO: NEW WINDSOR ZONING BOARD OF APPEALS
DATE: OCTOBER 28, 1978
RE: CONVENIENCE SHOP - LOCATED ON ROUTE 9W & UNION AVENUE

After due consideration the Planning Board's decision was to disapprove the site plan because we feel the constant flow of traffic in and out of the grocery store on a highly traveled highway will add to the dangerous conditions that already exist there. A check with local police will confirm traffic accident toll.

Due to the close proximity of a similar type store at the next block we feel it is not necessary to have another that close by. Children who have a tendency to walk to a store would have to cross a dangerous highway.

The Planning Board recommends that the Zoning Board not approve this also.

ERNEST SPIGNARDO
CHAIRMAN

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a Public Hearing
pursuant to Section 48-33A of the Zoning Ordinance on the
following proposition:

Appeal No. 1
Request of John J. Lease, Jr. (contract purchaser)
& Peter M. Olympia

for a VARIANCE & SPECIAL USE PERMIT of
the regulations of the Zoning Ordinance, to permit
a Convenient Food Store and 3 self-service gas pumps
and sign

being a VARIANCE & SPECIAL USE PERMIT of
Section 48-9 and 48-21 and 48-9

for property situated as follows:

at the northeast intersection of Rt. 9W and
Union Avenue.

SAID HEARING will take place on the 22nd day of January,
19 79, at the New Windsor Town Hall, 555 Union Avenue, New
Windsor, N. Y. beginning at 8:00 o'clock P.M.

MARK STORTECKY

Chairman

NOTE: This is a rescheduled meeting due to cancellation of
January 8th meeting.

NOTE:

If you have any questions regarding this matter I would be happy to talk to you.

Call me at 565-2800 at your convenience.

Jack Lease



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

December 19, 1978

Peter Olympia

RE: 20-2-69

Dear Mr. Olympia,

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script, appearing to read "P. King".

Paula King
Sole Assessor
Town of New Windsor

Enc.
PK/bm

Newburgh Oil Co., Inc.
PO Box 4076
New Windsor, NY 12550

Mr. & Mrs. Victor Konkol
Cullen Ave. MD 14
New Windsor, NY 12550

Ms. Mary Mc Givhey
Cullen Ave. MD14
New Windsor, NY 12550

Mr. Alfred Cavalari
PO Box 276
Vails Gate, NY 12584

Mr. Robert Welsh
Cullen Ave. MD 14
New Windsor, NY 12550

Mr. Roy Bardsley
RD 2 Mt. Airy Rd.
New Windsor, NY 12550

Mr. John O'Brien
3 Silver Spring Rd.
New Windsor, NY 12550

Ms. Mary Murray
Cullen Ave.
New Windsor, NY 12550

Ms. Helen Mc Cormick
Cullen Ave. MD 14
New Windsor, NY 12550

Ms. Marion Trotter
439 First St.
Brooklyn, NY 11201

Ms. Margaret Clark
8 Union Ave.
New Windsor, NY 12550

Mr. & Mrs. Earl Morse
12 Union Ave.
New Windsor, NY 12550

Mr. & Mrs. John Morse
16 Union Ave.
New Windsor, NY 12550

Ms. Joanne Foley
MD 14 Coffey Ave.
New Windsor, NY 12550

Mr. & Mrs. Harry Mead
RD 2 Palamino Pl.
Newburgh, NY 12550

Mr. Frances Tortora
16 MacDowell Pl.
New Windsor, NY 12550

Mr. & Mrs. Peter Colombo
MD 14 Coffey Ave.
New Windsor, NY 12550

Mr. Michael Stecuick
MD 14 Cullen Ave.
New Windsor, NY 12550

Mr. & Mrs. Peter Sladewski
MD 14 Coffey Ave.
New Windsor, NY 12550

Mr. & Mrs. Christopher Tansosch
MD 14 Coffey Ave.
New Windsor, NY 12550

Mr. & Mrs. Donald Becker
MD 14 Coffey Ave.
New Windsor, NY 12550

Mr. & Mrs. George Brady
MD 14 Cullen Ave.
New Windsor, NY 12550

Mr. & Mrs. Joseph Allen
Box 454
Vails Gate, NY 12550

Mr. & Mrs. Patrick Benish
MD 14 River Rd.
New Windsor, NY 12550

Mr. & Mrs. William Bowman Sr.
Coffee Ave. MD 14
New Windsor, NY 12550

Mr. William Rossomando
PO Box 2002
Newburgh, NY 12550

Mr. John Zalesak
MD 14 Coffey Ave.
New Windsor, NY 12550

Mr. & Mrs. Charles Mc Grath
MD 14 Coffey Ave.
New Windsor, NY 12550

Mr. Merle Kenwood
45 Church St.
Patterson, NJ 07510

Ms. Maria Klien
Box 54
Plattekill, NY 12568

Mr. & Mrs. Joseph Thiell
152 Knox Village
New Windsor, NY 12550

Mr. & Mrs. Frederick Bourne
MD 14 River Rd.
New Windsor, NY 12550

Mr. & Mrs. Ellsworth Weygant
23 Clintonwood Dr.
New Windsor, NY 12550

Mr. & Mrs. George Tibby
48 Silver Spring Rd.
New Windsor, NY 12550

Mr. & Mrs. William Lawlor
50 Silver Spring Rd.
New Windsor, NY 12550

Mr. & Mrs. James Beahan
MD 14 Riverview Ave.
New Windsor, NY 12550

Mr. & Mrs. David Kelly
735 Jacqueline Dr.
Valley Cottage, NY 10989

Shell Oil Co.
Northern Tax Region
PO Box 2099
Houston, Texas 77001

Barclay Manor Inc.
Suite 400 Box 21
100 Hamilton Plaza
Paterson, NJ 07505

Barclay Manor Inc.
c/o Dorman & Wilson Inc.
PO Box 366
White Plains, NY 10602

Mr. & Mrs. George Hansen
61 Union Ave.
New Windsor, NY 12550

Mr. & Mrs. James Dougan
PO Box 4043
New Windsor, NY 12550

Mr. Pellegrino Jannotti
48 Valley Ave.
New Windsor, NY 12550

Mr. & Mrs. Charles Milich
35 Union Ave.
New Windsor, NY 12550

Mr. Peter Foundas
3 St. Joseph Place
New Windsor, NY 12550

Ms. Elizabeth O'Mara
8 St. Joseph Place
New Windsor, NY 12550

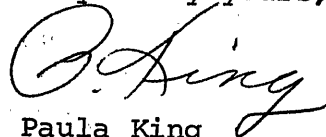
Mr. & Mrs. Albert Tarolli
10 St. Joseph Place
New Windsor, NY 12550

Mr. & Mrs. Joseph Kissel
12 St. Joseph Place
New Windsor, NY 12550

Mr. Benjamin Harris
PO Box 2552
Newburgh, NY 12550

Mr. & Mrs. Frank Dittbrenner
16 Old Rt. 9W
New Windsor, NY 12550

Very truly yours,

A handwritten signature in cursive script, appearing to read "P. King".

Paula King
Sole Assessor
Town of New Windsor,

This Agreement,

Made and dated this 4th day of September ~~OCTOBER~~
in the year One thousand nine hundred and 78

BETWEEN PETER M. OLYMPIA residing at 16 Russell Road,
City of Newburgh, Orange County, New York

hereinafter described as the seller, and JOHN J. LEASE, JR. residing at 63 Grand
Avenue, Town of Newburgh, Orange County, New York

hereinafter described as the purchaser,

WITNESSETH:

THAT the seller agrees to sell and convey, and the purchaser agrees to purchase:

ALL that tract or parcel of land with the buildings and improvements thereon erected situate, lying and being in the Town of New Windsor, Orange County, New York, and bounded and described as follows:

BEGINNING at a stone monument set in the ground along the northerly line of Union Avenue at the southwesterly corner of lands now or formerly of Lahey and running thence along the northerly side of Union Avenue north 53 degrees 56' West, 120.89 feet to a concrete monument set in the ground at the intersection of the northerly line of Union Avenue and the easterly line of the new highway leading between the City of Newburgh and Cornwall; thence along the easterly side of said new highway leading between the City of Newburgh and Cornwall the following courses: North 1 degree 15' West, 46.31 feet to a concrete monument set in the ground; North 28 degrees 01' East, 219.20 feet to a spike set in the stump of a tree at the southwesterly corner of lands of Cities Service Oil Company; thence along the southerly line of said lands of Cities Service Oil Company South 52 degrees 10' East, 191.16 feet to a stone monument set in the ground; thence South 38 degrees 35' West (passing over the head of a spike seven feet above the ground in a cherry tree) along the Westerly line of lands now or

in the year One thousand nine hundred and 78

BETWEEN PETER M. OLYMPIA residing at 16 Russell Road,
City of Newburgh, Orange County, New York

hereinafter described as the seller, and JOHN J. LEASE, JR. residing at 63 Grand
Avenue, Town of Newburgh, Orange County, New York

hereinafter described as the purchaser,

WITNESSETH:

THAT the seller agrees to sell and convey, and the purchaser agrees to purchase:

ALL that tract or parcel of land with the buildings and improvements
thereon erected situate, lying and being in the Town of New Windsor,
Orange County, New York, and bounded and described as follows:

BEGINNING at a stone monument set in the ground along the northerly
line of Union Avenue at the southwesterly corner of lands now or formerly
of Lahey and running thence along the northerly side of Union Avenue north
53 degrees 56' West, 120.89 feet to a concrete monument set in the ground
at the intersection of the northerly line of Union Avenue and the easterly
line of the new highway leading between the City of Newburgh and Cornwall;
thence along the easterly side of said new highway leading between the
City of Newburgh and Cornwall the following courses: North 1 degree 15'
West, 46.31 feet to a concrete monument set in the ground; North 28 degrees
01' East, 219.20 feet to a spike set in the stump of a tree at the south-
westerly corner of lands of Cities Service Oil Company; thence along the
southerly line of said lands of Cities Service Oil Company South 52 degrees
10' East, 191.16 feet to a stone monument set in the ground; thence South
38 degrees 35' West (passing over the head of a spike seven feet above
the ground in a cherry tree) along the Westerly line of lands now or
formerly of Lahey a distance of 248.80 feet to the point or place of
beginning, the bearings herein being referred to the Magnetic needle as
it pointed in January, 1949.

Being the same premises described in a Deed dated October 16th, 1962 made by Arthur Weyant and Ina E. Weyant to Peter M. Olympia and recorded in Orange County Clerk's Office November 7, 1962 in Liber 1628 of Conveyances at Page 828.

SUBJECT to such state of facts as an accurate survey and personal inspection of said premises may disclose provided they do not render title unmarketable.

All buildings on the premises are represented as owned by the seller and are included in the sale. All plumbing, heating, lighting fixtures (except portable lamps and stoves), shades, screens, blinds, awnings, shrubbery and plants are also included in the sale.

Rents, taxes, water rates, interest on mortgages and fire insurance premiums, if any, are to be apportioned.

If there be a water meter on the premises, the seller shall furnish a reading to a date not more than thirty days prior to the time herein set for closing title, and the unfixed meter charge for the intervening time shall be apportioned on the basis of such last meter reading.

All sums paid on account of this contract, and the reasonable expense of the examination of the title to said premises, are hereby made liens thereon, but such liens shall not continue after default by the purchaser under this contract.

The risk of loss or damage to said premises by fire until the delivery of the deed, is assumed by the seller.

The premises above described are sold subject to building and zoning ordinances and restrictions of record, if any.

The stipulations herein are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.

The seller agrees that *John J. [illegible]*
brought about this sale and agrees to pay the broker's commission of

Dollars therefor.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals (or caused these presents to be subscribed by a duly authorized officer and its corporate seal affixed) the day and year first above written.

IN PRESENCE OF

[Signature]
..... I.S

apportioned.

If there be a water meter on the premises, the seller shall furnish a reading to a date not more than thirty days prior to the time herein set for closing title, and the unfixed meter charge for the intervening time shall be apportioned on the basis of such last meter reading.

All sums paid on account of this contract, and the reasonable expense of the examination of the title to said premises, are hereby made liens thereon, but such liens shall not continue after default by the purchaser under this contract.

The risk of loss or damage to said premises by fire until the delivery of the deed, is assumed by the seller.

The premises above described are sold subject to building and zoning ordinances and restrictions of record, if any.

The stipulations herein are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.

The seller agrees that *W. J. [unclear]*
brought about this sale and agrees to pay the broker's commission of

Dollars therefor.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals (or caused these presents to be subscribed by a duly authorized officer and its corporate seal affixed) the day and year first above written.

IN PRESENCE OF

[Signature] L.S.
[Signature] L.S.
L.S.
L.S.
L.S.



LOOKING NO. FROM UNION AVE

PACIFIC BOND

SOUTHERN OILS CO.

25% COTTON FIBER



LOOKING N/E FROM RT 9W



LOOKING N/E FROM RT 9W

SOUTHWORTH CO. U.S.A.

25% COTTON FIBER



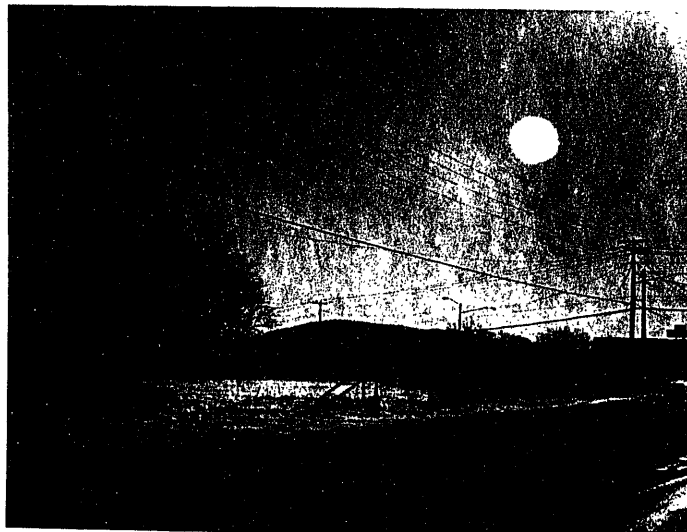
LOOKING WEST FROM UNION AVE



LOOKING E FROM RT9W



LOOKING E FROM RT 9W



LOOKING S/E FROM RT 9W

PL ZONING DD
40,000 SQUARE FEET
150' LOT WIDTH
50' FRONT YARD
15/40 SIDE YARD/TOTAL
20' REAR YARD

NC ZONING BB
15,000 SQUARE FEET
125' LOT WIDTH
40' FRONT YARD
15/30 SIDE YARD/TOTAL
15' REAR YARD

PROPOSED
41,700+ SQUARE FEET
250' LOT WIDTH
60' FRONT YARD
35/70 SIDE YARD/TOTAL
35' REAR YARD

NEW YORK STATE HIGHWAY ROUTE No 9W

N/F CITIES SERVICE OIL COMPANY

552'10.00"

191'16.1"

WASHBURN ASSOCIATES
ESTRADA ROAD
CENTRAL VALLEY, ALA.

N/F LAHEY

538'35.00" W

248.80'

120.89'

UNION AVENUE

N33°56.00' W

N1°15.00' W
46.31'

219.20'

N128°01.00' E

EXIT

PUMP ISLAND
CANAL

PROPOSED BUILDING

5' CONC. WALK

LOOKING SOUTH

BUILDING LIMIT 2

BUILDING LIMIT

BUTTRICK

BUILDING LIMIT

PLOT PLAN
CONVENIENT
FOOD MART

APPROVED BY:

SCALE: 1"=20'

DATE: JAN. 1979

REVIEWED

DRAWN BY

ORANGE CO., N.Y.

DRAWING NUMBER

1685

R4

P1

NC

RIVER ROAD

COFFEY AVENUE

CULLEN AVENUE

ROUTE No 9W

ROUTE No 9W

ST JOSEPH PLACE

COUNTY HWY No 69

TOWN OF NEW WINDSOR TAX
MAP SECTION 23 BLOCK 2
LOT 69

Loose/Algebra